

UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF NEW YORK

----- X
INDIAN HARBOR INSURANCE :
COMPANY, :
: Plaintiff, : Case No. 12-cv-5787 (JGK-KNF)
: : ECF Case
- against - :
: THE CITY OF SAN DIEGO, :
: Defendant. :
----- X

**REQUEST FOR JUDICIAL NOTICE IN SUPPORT OF REPLY
ON MOTION TO DISMISS FOR LACK OF PERSONAL
JURISIDICTION AND FOR IMPROPER VENUE**

Jan I. Goldsmith, City Attorney
Christine Leone
Chief Deputy City Attorney
Land Use Litigation
Office of the San Diego
City Attorney
1200 Third Ave., Suite 1100
San Diego, CA 92101
Ph. (619) 533-6392
Fax (619) 533-5856
PRO HAC VICE

Attorneys for Defendant
City of San Diego

Pursuant to Rule 201 of the Federal Rules of Evidence, Defendant City of San Diego (the "City") requests that this Court take judicial notice of that certain Complaint, with exhibits attached, filed July 29, 2010, by Illinois Union Insurance Company in that certain action entitled *Illinois Union Insurance Company v. NRG Energy, Inc., et al.*, Case No. 10 Civ. 5743 (BSJ) (DCF), United States District Court for the Southern District of New York, a true and correct copy of which filed Complaint (with signature page missing), with exhibits, is attached hereto as Exhibit A.

This request for judicial notice shall be used in support of the City's Reply in support of its Motion to Dismiss for Lack of Personal Jurisdiction and for Improper Venue, filed concurrently herewith.

DATED: November 1, 2012

CITY OF SAN DIEGO

Attorneys for Defendant
City of San Diego

By: s/Christine Leone

Christine Leone
Chief Deputy City Attorney
Land Use Litigation
Office of the San Diego City Attorney
1200 Third Ave., Suite 1100
San Diego, CA 92101
Ph. (619) 533-6392
Fax (619) 533-5856
E-mail: leonec@sandiego.gov
PRO HAC VICE

Attorneys for Defendant
City of San Diego